

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

EVGENY FREIDMAN,  
DOWNTOWN TAXI MANAGEMENT, LLC,  
TUNNEL TAXI MANAGEMENT, LLC and  
WOODSIDE MANAGEMENT, INC.

Appellants,

v.

GREGORY MESSER, Chapter 7 Trustee,

Appellee.

In re:

HYPNOTIC TAXI LLC, *et al.*,<sup>1</sup>

Debtors.

Civ. Action No. 17-cv-00090-NG  
(Bankruptcy Appeal)

On Appeal From:

Chapter 7

Case No. 15-43300-(CEC)  
(Jointly Administered)

**STIPULATED ORDER VOLUNTARILY DISMISSING  
APPEAL PURSUANT TO FED. R. BANKR. P. 8023**

**WHEREAS**, on January 5, 2017, Evgeny Freidman, Downtown Taxi Management, LLC, Tunnel Taxi Management, LLC, and Woodside Management, Inc., initiated the above-captioned appeal (the “**Appeal**”) by filing a Notice of Appeal appealing from the *Order Directing Evgeny Freidman, Downtown Taxi Management, LLC, Tunnel Taxi Management, LLC, Woodside*

<sup>1</sup> The debtors in these cases (collectively, the “Debtors”), along with the last four digits of their federal tax identification numbers are (i) Hypnotic Taxi LLC (6632)(Case No. 15-43300); (ii) Bombshell Taxi LLC (1282)(Case No. 15-43301); (iii) Bourbon Taxi LLC (7155)(Case No. 15-43302); (iv) Butterfly Taxi LLC (6992)(Case No. 15-43303); (v) Candy Apple Taxi LLC (0249)(Case No. 15-43304); (vi) Chianti Taxi, LLC (6799)(Case No. 15-43305); (vii) Chopard Taxi Inc. (0746)(Case No. 15-43306); (viii) Cupcake Taxi LLC (0324)(Case No. 15-43307); (ix) Dorit Transit Inc. (9129)(Case No. 15-43308); (x) France Taxi LLC, (9592)(Case No. 15-43309); (xi) Hennessy Taxi Inc. (4039)(Case No. 15-43310); (xii) Iceberg Taxi Inc. (5877)(Case No. 15-43311); (xiii) Marseille Taxi LLC (9890)(Case No. 15-43312); (xiv) Merlot Taxi LLC (7103)(Case No. 15-43313); (xv) Milkyway Cab Corp. (5061)(Case No. 15-43314); (xvi) Palermo Taxi, Inc. (5956)(Case No. 15-43315); (xvii) Pinot Noir Taxi LLC (6725)(Case No. 15-43316); (xviii) Pointer Taxi LLC, (2323)(Case No. 15-43317); (xix) Pudding Taxi Inc. (0432)(Case No. 15-43318); (xx) Stoli Taxi Inc. (4079)(Case No. 15-43319); (xxi) Vodka Taxi LLC (4239)(Case No. 15-43320); and (xxii) VSOP Taxi Inc. (3909)(Case No. 15-43321).

*Management, Inc. and Any Other Party in Possession of the Debtors' Property to Turnover and Surrender the Debtors' Property to the Trustee* [Docket No. 448] entered on December 29, 2016 by the United States Bankruptcy Court for the Eastern District of New York (Honorable Carla E. Craig) (the “**Bankruptcy Court**”), which Appeal has been docketed in and is currently pending before this Court; and

**WHEREAS**, no scheduling order has yet been entered in the Appeal and no other deadlines have yet to be set; and

**WHEREAS**, pursuant to the terms of (A) that certain Consent Order Resolving: i) the Chapter 7 Trustee’s Motion for Contempt; ii) Motion to Stay Order Pending Appeal Filed by Evgeny Freidman and the Former Managers; and iii) the Appeals Filed by Evgeny Freidman and the Former Managers, which was so ordered by the Bankruptcy Court on February 3, 2017; and (B) that certain Order, Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure, Resolving the Estate’s Interest in and to the Debtors’ Four Vehicles Acquired Post-Petition, entered by the Bankruptcy Court on February 6, 2017 (collectively, the “**Settlement Orders**”), the Appellants agreed to withdraw the Appeal; and

**WHEREAS**, the Appellants, by and through their counsel of record, Cole Schotz P.C., and the appellee, Gregory Messer, the Chapter 7 Trustee of the jointly administered estates of the debtors in the above-captioned Chapter 7 cases (the “**Appellee**” and together with the “**Appellants**”), by and through his counsel of record, LaMonica Herbst & Maniscalco, LLP, agree, as contemplated by the Settlement Orders, that the Appeal shall be dismissed with prejudice, without costs to either Party, and with each Party to bear their own attorneys’ fees; and

**ON THE JOINT REQUEST OF THE PARTIES**, pursuant to Fed. R. Bankr. P. 8023 voluntarily dismissing Appellants’ appeal,


**NOW THEREFORE**, it is

**ORDERED** that pursuant to Fed. R. Bankr. P. 8023 the Appeal be and the same is hereby dismissed with prejudice and without costs or fees to either Party.

Dated: February 6, 2017  
Wantagh, New York

**LaMONICA HERBST & MANISCALCO, LLP**  
Counsel to Gregory M. Messer, as Trustee

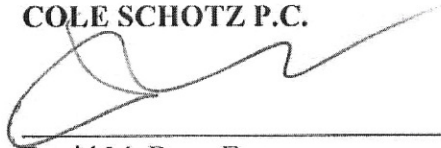
By:

  
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Gary F. Herbst, Esq.  
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Telephone: 516.826.6500

Dated: February 6, 2017  
New York, New York

**COLE SCHOTZ P.C.**

By:

  
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David M. Bass, Esq.  
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New York, New York 10019  
Telephone: 212.752.8000

IT IS SO ORDERED:

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UNITED STATES DISTRICT COURT